



USAID
FROM THE AMERICAN PEOPLE

LAC-IEE-11-70

ENVIRONMENTAL THRESHOLD DECISION

Activity Location:	Jamaica
Activity Title:	More Peaceful and Transparent Democracy (DG office)
Activity Number:	TBD
Life-of-Activity Funding:	\$25 million
Life-of-Activity:	FY 2010 – FY 2014
IEE prepared by:	James Burrowes, Democracy and Governance
Reference ETDs:	LAC-IEE-11-50, LAC-IEE-09-87; LAC- IEE-10-43
Recommended Threshold Decision:	Categorical Exclusion, Negative Determination with Conditions
Bureau Threshold Decision:	Categorical Exclusion, Negative Determination with Conditions
Comments:	

This Environmental Threshold Decision (ETD) covers future Democracy and Governance activities including the Caribbean Basin Security Initiative (CBSI) activities. This ETD amends LAC-IEE-11-50 to include the sub-grant component that includes small-scale construction activities, beekeeping, and other potential livelihood activities. This amendment also adds \$25 million for continuing and future activities.

A **Categorical Exclusion** is issued to More Peaceful and Transparent Democracy activities involving the provision of technical assistance, training, policy development, education, workshops, capacity building activities and others as identified in the IEE as activities that do “not have an effect on the natural or physical environment,” pursuant to 22 CFR 216.2(c)(2):

- (i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);
- (iii) Analyses, studies, academic or research workshops and meetings.
- (v) Document and information transfers.
- (xiv) Studies, projects or programs intended to develop the capability of recipient to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.)

A **Negative Determination with Conditions** is issued to the small grants activities under IR1 that speaks to the modification of an existing building in the Redemption Market in down town Kingston; refurbishing a community center, wall construction; refurbishing showers, sinks and toilets; beekeeping, and other small-scale construction and livelihood activities.

Conditions to avoid or mitigate adverse environmental impacts from the above activities include:

- Use of “Guidelines for implementing Partners: USAID Environmental Mitigation Plan & Report (EMPR)” to conduct a preliminary environmental impact of all sub grant and micro credit activities and activities that have received a Negative Determination with Conditions recommendation. The EMPR will identify necessary mitigation measures to minimize potential negative environmental impacts. The EMPR will also be used for documenting the monitoring of the mitigation measure implementation and effectiveness. The EMPR will be approved by the COTR, MEO, and REA prior to any implementation. See EMPR form attached.
- The Agreement/Contracting Officer’s Technical Representative (AOTR/COTR) for the activity will actively monitor, evaluate, and ensure that the conditions specified herein are met.
- If additional activities are to be funded that are not described in this document (other than sub-grants and micro-credit programs that would be covered by an EMPR), an amended Initial Environmental Examination will be prepared.
- Compliance with and application of USAID Environmental Guidelines for Development Activities in Latin American and Caribbean, found at

(<http://inside.usaid.gov/LAC/RSD/E/epiq.html>), focus on these chapters of the guidelines:

- ✓ Chapter 2: Small Scale Construction
- ✓ Chapter 4: Microfinance Institutions and Micro and Small Enterprises.
- ✓ Chapter 5: Solid Waste Management
- ✓ Chapter 8: Agriculture and Watershed Management

The USAID Environmental Guidelines can be found at:

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- If any agriculture activities are implemented under the micro-credit component, the implementing group will be informed of USAID's pesticide regulations. If any pesticide training, purchase or use of pesticides is anticipated, the group is required to prepare a PERSUAP prior to any activity implementation or pesticide purchase.
- The Mitigations and Conditions listed in Annex 2 for Small-Scale Construction also provide guidance for this activity.
- Environmental Compliance Language must be incorporated into all awards following the direction in the ADS 202 –Environmental Compliance Language for Awards.
- The implementing contractor or partner will ensure that all activities conducted under this instrument comply with this ETD. Also, through its regular reporting requirements, a section on environmental compliance (e.g. mitigation monitoring results) will be included.
- Recommended USAID 22 CFR 216 Compliance Contracting Language from the ADS 202 annex Environmental Compliance Language For Awards (2008) should be included in each award or sub contract/grant.

In addition, the following is recommended language to insert into contracts and agreements to tell partners HOW USAID expects them to comply with Reg 216 and gives them a specified process:

In accordance with USAID's recognition that gender, anti-corruption, and environmental issues are important considerations in development, the Contractor shall include in their project proposal explanations on measures they intend to take to deal with these issues. During project implementation, the Contractor/Recipient shall take these issues into account and find ways to enhance gender balance, reduce corrupt practices, and protect the environment in areas related to their project. To ensure compliance with the USAID environmental regulation 22 CFR 216, the Implementing Partner (IP) is responsible for providing USAID Dominican Republic with an Environmental Mitigation Plan, as outlined in the applicable document (attached): "Guidelines for Implementing Partners on the USAID Environmental Mitigation Plan & Report (EMPR)." The Implementing Partner shall ensure that

appropriate environmental guidelines are followed, that mitigation measures described in the pertinent Threshold Decision for each of these activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring. The procurement and/or use of pesticides would require an amended IEE, pursuant to USAID's Pesticide Procedures 22 CFR 216.3(b)(1)(i)(a-l). The Contractor/Recipient may be required to report results disaggregated by gender and measures taken to enhance the environment and reduce corrupt practices.

Monitoring and Reporting

Although no major environmental impacts are expected as a result of these activities, all implementing partners are required to submit Semi-annual Reports to the Operating Unit which must include Reg. 216 environmental compliance, if applicable. The COTR will be responsible for overseeing and monitoring all program activities throughout the life of the activity, and for ensuring that all activities are in compliance with the categorical exclusion threshold decision which is being recommended for this program. In addition USAID/Jamaica will ensure that all environmental compliance activities, including the EMPR are elaborated upon in an environmental compliance section of the Annual Reports.

For activities/Projects that have been identified as Negative Determination with Conditions, once the Implementing Partner is chosen, an initial EMPR is submitted by the Implementing Partner for approval by the Mission Environmental Officer before commencing activities. The attached EMPR format includes an initial screening process (Table 1) to assure the project is at the Medium Risk Level (Negative Determination with Conditions). Potential Impacts and related mitigation measures (Table 2) are also identified per sub-activity. Each mitigation measure will be monitored for implementation and effectiveness (Table 3). For small projects sub-grants, the Chief of Party will ensure that an EMPR is completed and approved by the Chief or Party and MEO for each sub-grant. The Chief of Party will ensure that project staff monitor and document the implementation of identified mitigation measures. Applicable mitigation measures will be identified using the LAC Guidelines and EMP/EMR for activities before commencing activities and will be monitored for compliance during and after project implementation.

At the end of each year of implementation, the EMPR is resubmitted with the same information as provided initially plus a monitoring report that reflects implementation and effectiveness monitoring of the identified mitigation measures. Table 3 of the EMPR serves as a monitoring report tool. A narrative explanation of the monitoring findings and recommendations listed in Table 3 must also accompany the EMPR as part of the annual reporting process.

The COTR/AOTRs are crucial in ensuring the Implementing Partners take this process seriously and comply. The importance must be emphasized with them by the MEO and Regional Environmental Advisor. Support of the process from Mission Management and Team Leaders is crucial to success.

The COTR/AOTR and MEO will be required to conduct spot monitoring checks for all of the activities listed in this IEE to ensure that the conditions listed in the IEE, ETD, and EMPR are being followed. The COTR, MEO and Implementing Partner should use the EMPR monitoring form (Table 3) to conduct monitoring of activity mitigation measures.

Conditions also include:

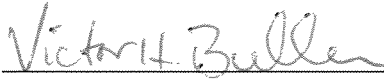
Responsibilities

- Each activity manager or **Contract/Agreement Officer Technical Representative (COTR/AOTR)** is responsible for making sure environmental conditions are met (ADS 204.3.4). In addition, COTR/AOTRs are responsible for ensuring that appropriate environmental guidelines are followed, mitigation measures in the IEE are funded and implemented, and that adequate monitoring and evaluation protocols are in place to ensure implementation of mitigation measures.
- It is the responsibility of the **Strategic Objective (SO) Team** to ensure that environmental compliance language from the ETD is added to procurement and obligating documents, such as activity-related Strategic Objective Grant Agreements (SOAGs) and Modified Acquisition and Assistance Request Documents (MAARDs).
- The **Mission Environmental Officer** will conduct spot checks to ensure that conditions in the IEE and this ETD are met. These evaluations will review whether guidelines are properly used to implement activities under this ETD in an environmentally sound and sustainable manner according to USAID and applicable U.S. Government policies and regulations.
- The implementing **contractor or partner** will ensure that all activities conducted under this instrument comply with this ETD. **Also, through its regular reporting requirements, a section on environmental compliance (e.g. mitigation monitoring results) will be included.**

Amendments

- Amendments to Initial Environmental Examinations (IEE) shall be submitted for LAC Bureau Environmental Officer (BEO) approval for any activities not specifically covered in the IEE, which include:
 - Funding level increase beyond ETD amount,
 - Time period extension beyond ETD dates (even for no cost extension), or
 - A change in the scope of work, such as the use of pesticides or activities subject to Foreign Assistance Act sections 118 and 119 (e.g. procurement of logging equipment), among others.

- Amendments to IEEs include Environmental Assessments (EA or PEA) and approval of these documents by the LAC BEO could require an annual evaluation for environmental compliance.

 Date 09-7-2011
Victor H. Bullen
Bureau Environmental Officer
Bureau for Latin America & the Caribbean

Copy to:

Karen Hilliard, USAID/Jamaica,
Mission Director
Ken Lyvers, OSD
Sean Osner, OSD
James Burrowes, DG
Malden Miller, OSDG, MEO

Copy to:

Dan Riley, Robert Boncy, LAC/CAR
Joe Torres, REA/Caribbean

Copy to:

IEE File

Attachments:

- Initial Environmental Examination amendment

File: P:\LAC.RSD.PUB\RSDPUB\EES\Reg 216\IEE\LAC-IEE-11-70 ETD (JA - DG, amend LAC-IEE-50, 10-43, 09-87).doc

INITIAL ENVIRONMENTAL EXAMINATION-Amendment to LAC-IEE-11-50

Project Location: Jamaica

Project Title: More Peaceful and Transparent Democracy (DG office)

Activity Number: TBD

Life of AO: FY 2010-2014

LOP Funding: US\$25 million

Referenced ETD/IEE: LAC-IEE-09-87; LAC-IEE-10-43; LAC-IEE-11-50

IEE Prepared by: James Burrowes, Democracy and Governance

Recommended
Threshold Decision: Categorical Exclusion; Negative Determination with Conditions

Signature Page for IEE- More Peaceful and Transparent Democracy (DG office) to include activities under a small grants program.

CONCURRENCE:

Malden Miller M. W. Miller Date 8/24/2011
Mission Environmental Officer
USAID/Jamaica

Joe Torres Joe Torres Date 8/26/2011
Regional Environment Advisor
Caribbean & Guyana

CLEARANCE:

M. W. Miller Date 8/24/2011
Malden Miller
Acting OSD Director

James Burrowes Date 8/24/11
James Burrowes
Acting Program Officer

**MISSION DIRECTOR'S
DECISION**

Approved: Ken Lyvers Date 8-26-11
Ken Lyvers
Acting Mission Director
USAID/Jamaica

Signature Page for IEE- More Peaceful and Transparent Democracy (DG office) to include activities under a small grants program.

CONCURRENCE:

Malden Miller _____ Date _____

Mission Environmental Officer
USAID/Jamaica

Joe Torres _____ Date _____

Regional Environment Advisor
Caribbean & Guyana

CLEARANCE:

_____ Date _____

Malden Miller
Acting OSD Director

_____ Date _____

James Burrowes
Acting Program Officer

MISSION DIRECTOR'S
DECISION

Approved: _____ Date _____

Ken Lyvers
Acting Mission Director
USAID/Jamaica

1. Background and Activity Description

1.1 Purpose and Scope of IEE

This Initial Environmental Examination (IEE) is a requirement of USAID cited in the Automated Directives System (**ADS 204.5.1**). This IEE amends LAC-IEE-11-50 to include the sub-grant component that includes small scale construction activities, beekeeping, and other potential livelihood activities. As well, this amendment adds \$25 million for continuing and future activities, although it is possible that this funding may not materialize.

The purpose of this IEE is to determine the impact of activities implemented by the “More Peaceful and Transparent Democracy Project” in Jamaica supported by USAID and ensure that they are in accordance with Section 117 of the Foreign Assistance Act (FAA) of 1961 as amended that “requires that USAID have appropriate environmental impact assessment procedures. This IEE has been prepared in accordance with the guidelines set out in the United States Agency for International Development (USAID) Environmental Procedures (**22 Code of Federal Regulations (CFR) 216**). This is a new IEE that is based upon the direction in the USAID Jamaica’s new Country Assistance Strategy for 2010 - 2014 and covers future Democracy and Governance activities including the Caribbean Basin Security Initiative (CBSI) activities.

1.2 Background

Despite a 40-year history of stable democracy, Jamaica faces serious challenges to its democratic institutions and practices. Chief among these, as the Democracy & Governance Assessment in 2001 concluded, are the nation’s persistent problems with good governance, especially as this relates to the state fulfilling its most basic role – that of ensuring citizen security. The governance problems are complex and seem to emanate from Jamaica’s poor economic performance, its growing role as a transshipment point for narcotics, and a style of political representation that has fostered political tribalism. Poor economic performance contributes to crime. Conversely, the business community cites crime as one of its most serious problems. Violent crime, with associated higher costs and risks, is a major deterrent to new investment and to Jamaica’s economic competitiveness. Corruption, like crime, inhibits efficient use of resources and economic competitiveness. While it is difficult to provide specific evidence regarding corruption in Jamaica, there is widespread perception that it is commonplace, which led to recent enactment of the Corruption Prevention Act. Both Transparency International and the World Bank put Jamaica in the bottom half of countries in their ratings on perceptions of corruption.

To improve performance in the rule of law and control of corruption, some serious challenges must be overcome. These include alienation which exists between the members of the Jamaica Constabulary Force and the average citizen, inefficiency and delays in the courts, lack of cohesiveness and political clout among civil society groups, and de-emphasis in the education curriculum on subjects such as civics. Other social problems include the large numbers of single parent families (with absent of fathers), the underperformance of boys in school, early sexual activity, and high rates of teen pregnancy. These factors contribute to the lack of development of young people as responsible and productive citizens.

Outcome of the Activity

At the end of the contract period, it is envisioned that the “More Peaceful and Transparent Democracy Project” will restore a sense of safety, security, and stability to Jamaicans by reducing crime and violence and the threat of civil unrest, and the crippling fear it engenders; it also seeks to introduce greater transparency and accountability into key government institutions, including the police and local government institutions, to increase government effectiveness and political stability. The Downtown Kingston market has been an essential part of life in Jamaica, however due to lack of proper maintenance of the years there has been an exodus of businesses and consumers alike. The renovation/improvements of the market area will assist in the reduction of fear and insecurity and will significantly improve public safety. It is also envisioned that vendors will have access to internet and other services within the market.

A small grants component has been developed to include small scale construction activities, beekeeping, and other potential livelihood activities. This grants program will provide livelihoods to community members, and lead to more stable and safer communities.

Expected results include:

- Improvements in public safety
- Reduced fear and insecurity
- More law-abiding citizenry
- Greater integrity in the police and other government institutions
- More robust and participatory community governance structures
- Improved perception of police
- Decrease in crime rates
- Increased accountability
- Increased positive youth participation in communities and society.
- Decrease in corruption
- Increased jobs

1.3 Program Description/Description of Activities

USAID’s 2010-2014 Democracy and Governance program supports interventions geared towards “More Peaceful and Transparent Democracy.” The overall approach under AO 1 will be on prevention of crime, violence, and corruption, rather than on prosecution. The approach will also emphasize youth as key beneficiaries of assistance; this is critical as a relatively high percentage of youth demonstrate negative attitudes towards democratic processes and support for illicit activities. This approach also recognizes youth as change agents who can be empowered to participate and contribute to society in meaningful ways by educating them and reinforcing positive values and attitudes. To address the multi-dimensional and closely interconnected nature of Jamaica’s crime and violence and corruption problem, the approaches and expected results under IR 1 and IR 2, are parallel and synergistic, and both IRs have results at the sub-IR level involving institutions, civil society, and youth/education. These challenges will be addressed through activities under the following Intermediate Results (IRs):

IR 1: Safer communities, respecting rule of law and human rights

Crime and violence are the most pressing concerns for Jamaicans, and an overwhelming 96% of citizens perceive current rates of crime and violence as a threat to the nation’s wellbeing. While

total crime rates have declined over the last decade, violent crime, and particularly murder, has spiraled. Since independence, the murder rate has almost doubled each decade. By 2008, the murder rate was 60/100,000, making Jamaica one of the most murderous countries in the world. Violent crime in Jamaica has age, gender, and socio-economic dimensions, with poor young males as the primary perpetrators and victims of crime. Much of the crime is concentrated in inner-city communities, many of which are controlled by well armed and well organized gangs trafficking in narcotics and guns. Domestic violence against women, and violence against children in schools and in the home, including crimes leading to murder, are serious concerns. Jamaica also suffers from significant levels of state violence, and the GOJ, international organizations, and international and national human rights groups have documented a pattern of unlawful police killings coupled with impunity. According to a recent government review of policing in Jamaica, (Strategic Review), the security situation and the relative threat against the police has led to methods of policing that are “militaristic” and ineffective, and the police have been “slow to adopt a culture of public service, community-based policing and respect for human rights.”¹

Illustrative activities under IR1 include the following:

- *Support for internal and institutional reforms within the Jamaican Constabulary Force*
- *Institutionalize Community Based Policing*
- *Build more sustainable police-community partnerships*
- *Civic Education*
- *Develop a culture of lawfulness citizenry and program*
- *Establish change leaders program for mid-level police*
- *Small grants for community based organizations to build their capacity*
- *Support for Community Based organizations and Community Development Commissions*
- *Support youth empowerment in communities and youth activities*
- *Juvenile justice reform (reintegration program, drafting legislation, diversion sentencing, etc.)*
- *Modification to an existing building in the Redemption Market.*
- *Development of a small grants program*
- *Rehabilitate shower, sinks, toilets and connect to main water supply*
- *Drains and manhole rehabilitation*
- *Refurbishing a Community Centre*
- *Construction of wall*
- *Beekeeping*
- *Other small grant livelihood activities that would be identified by participants*

IR 2: Improved accountability and integrity in government:

In 2008, for the first time, Jamaicans listed corruption as their second most serious concern, after crime and violence. Among 22 countries in the region participating in the Americas Barometer surveys, Jamaicans expressed the lowest level of confidence in government officials.² Since

¹ Ministry of National Security, *A New Era of Policing in Jamaica: Transforming the JCF: the Report of the JCF Strategic Review Panel*, 2008, at 24-25.

² *AmericasBarometer*, at p. xxvi

first participating in the Transparency International surveys in 2002, Jamaica has received a “highly corrupt” designation each year. According to the 2008 USAID Corruption Assessment and Americas Barometer, corruption originates in the public sector, where bureaucratic and inefficient systems provide an ideal environment for corruption. Additionally, citizens broadly accept that bribes are necessary for the timely delivery of services.³ Corruption is found across government agencies, and in particular (as in other countries) in the health sector, police, revenue authorities and the Customs Department. In terms of the police, the Strategic Review concluded that tackling corruption and incorporating stronger accountability measures were central to transformation of the JCF. As noted, a police organization that does not take a strong stand against corruption is neither legitimate nor effective.⁴ Another point of vulnerability is the Constituency Development Fund (CDF), whereby the government has promised to provide up to 2.5% of the budget to parliamentarians for development programs in their constituencies.

Illustrative activities under IR2 include the following:

- *Facilitate JCF training and technical assistance related to professional standards and ethics*
- *Support to the SDC to encourage citizen participation in community governance*
- *Facilitate development of civic education modules related to democracy, citizenry and social responsibility*
- *Capacity building of government institutions combating corruption*
- *Support for JCF anti-corruption branch*
- *Provide assistance to anti-corruption reform policies*
- *Promote public awareness of and support for anticorruption reform efforts*

1.4 Program Implementation

This AO is managed within the Mission by an FSN with numerous years of experience who also manages the Economic Growth portfolio. He will serve as the COTR/AOTR and will be coordinating and supervising the work of implementing partners. The exact mechanisms for implementation have not been refined, however it is envisaged that the Program will be implemented using performance-based institutional contracts and/or grants and cooperative agreements.

1.5 Locations Affected

The More Peaceful and Transparent Democracy Project will be implemented throughout the country of Jamaica with the possibility of expanding to other countries in the Caribbean under the Caribbean Basin Security Initiative (CBSI).

1.6 National Environmental Policies, Procedures, or Regulations

The National Environment and Planning Agency (NEPA) is the agency responsible for ensuring that environmental impact assessments are conducted where relevant and to acceptable

³ *AmericasBarometer*, at p. 43

⁴ *Strategic Review*, at 18-19.

international standards. Their website <http://www.nepa.gov.jm> outlines clear guidelines for conducting environmental impact assessments as well as the relevant forms that should be filled (NEPA, 1997; revised October 2007). This is in accordance with the Natural Resources Conservation (Permits and Licences) Regulations of the Natural Resources Conservation Authority (NRCA) Act 1991. The NEPA Guidelines for Conducting Environmental Impact Assessments outlines the environmental permit and licence applications process. The System seeks to:

- Ensure compliance with Sections 9 & 10 of the NRCA Act of 1991, which gives the NRCA the right to issue permits to persons undertaking new developments and request EIA studies where necessary;
- Ensure that environmental considerations are taken into account early in the planning of new projects;
- Monitor the discharge of certain waste into the environment;
- Ensure compliance with established NRCA environmental standards and conditions of approval;
- Ensure that goods and services are produced in an environmentally sound manner;
- Bring existing facilities into compliance with environmental standards.

Persons undertaking new developments that fall within a prescribed category are required to obtain a permit. Licences will be required for the discharge of trade or sewage effluent and for the construction or modification of facilities (NEPA, 1997). Prior to the planning and/or implementation of activities USAID will initiate a facilitation meeting between the Chief Executive Officer (CEO) of the National Environment and Planning Agency (NEPA) and the contractors to ensure that all the requirements of Jamaican laws are outlined. At this meeting once the detailed activities are outlined the officers of the NEPA will provide the necessary guidance as to how to proceed.

2. Potential Environmental Impact and Mitigation Measures

The activities funded under this program will involve long and short term technical assistance and training as well as limited commodity procurement related to the technical assistance delivery for strengthening key anti-corruption agencies and the Office of the Chief Parliamentary Counsel. No environmental impact is likely to result from these activities and hence qualify for a Categorical Exclusion under 22 CFR 216.2 (c) (2) (i), (iii), (v) and (xiv).

Should any future activity be found to have negative impact on the environment at any point during the life of this strategy, a supplemental IEE will be submitted for the activity. In addition, the Mission will monitor activities on an ongoing basis to ensure that there are no potential negative environmental impacts of these activities.

If a supplemental/amended IEE is completed for activities that are added to the project that may involve a negative impact to the environment, all grantees and or implementing partners (IP) will be required to fill out an Environmental Mitigation Plan and Report (EMPR) for each thematic area (e.g. rehabilitation of small scale building, water systems, bridges, etc.). The EMP would need to be completed before any actions that would have a negative impact, be implemented. The attached EMPR) includes:

- Coversheet;
- Narrative with project specific information;
- Annexes:
 - Environmental Screening Form (Table 1);
 - Identification of Mitigation Plan (Table 2);
 - Environmental Monitoring and Tracking Table (Table 3);
- Photos, Maps and Level of Effort.

The EMPR will capture potential environmental impacts and also dictate whether a supplemental IEE or a Pesticide Evaluation Report and Safer Use Action Plan or “PERSUAP” is required.

3. Recommended Threshold Decision

Categorical Exclusion:- Pursuant to 22 CFR 216.2(c)(2)(i), (iii), (v) and xiv), a **Categorical Exclusion** is recommended for activities involving the provision of technical assistance, training, policy development, education, workshops, capacity building activities and others as identified in the IEE as activities that do “not have an effect on the natural or physical environment”.

A Negative Determination with Conditions is recommended for the small grants activities under IR1 that speaks to the modification of an existing building in the Redemption Market in down town Kingston; refurbishing a community centre, wall construction; refurbishing showers, sinks and toilets; beekeeping, and other small scale construction and livelihood activities.

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4. Monitoring and Reporting

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GUIDELINES FOR IMPLEMENTING PARTNERS ON THE USAID LAC ENVIRONMENTAL MITIGATION PLAN & REPORT (EMPR)

August 18th, 2009

A. Background

All projects funded by USAID must conform to US environmental regulations (22 CFR 216) requiring evaluation to ensure that no adverse environmental impacts result from the projects, that cannot be mitigated. All USAID programs funded through USAID LAC Missions fall under an Environmental Threshold Decision (ETD) designated at the Strategic Objective level. The Environmental Mitigation Plan & Report (EMPR), so described by these guidelines, ensures programmatic compliance with 22 CFR 216 by meeting the conditions specified in the applicable ETDs authorized by the USAID Latin America and the Caribbean (LAC) Bureau Environmental Officer (BEO).

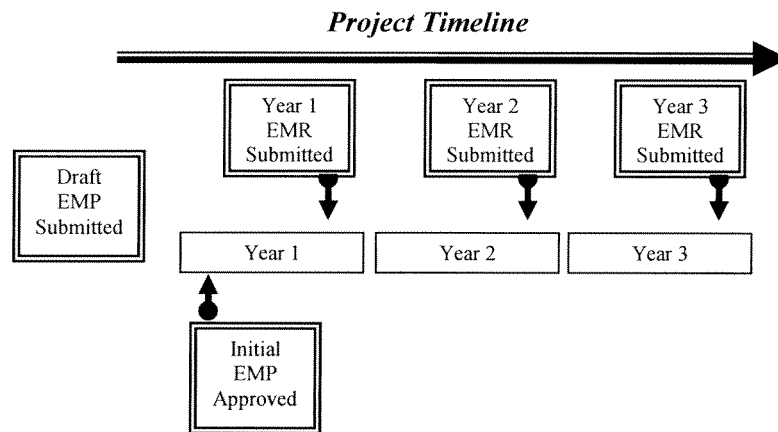
Programs implemented by USAID LAC Mission implementing partners (IPs) include a range of discrete-activities under various awards that will likely have a risk for adverse environmental impact. Illustrative discrete activities include building refurbishment and medical waste management. This EMPR procedure will provide for both the screening for environmental risk, preparation of a mitigation plan and reporting on monitoring of these mitigation measures, which require that appropriate consideration is given to gender as a social impact factor in the development of a mitigation plan and subsequent measures.

The EMPR initially categorizes projects into three types: No Risk, Medium Risk and High Risk. Those with No Risk can continue without further review. Those with High Risk must be reconsidered for the need of an Environmental Assessment. The EMPR deals with those projects at Medium Risk (*see Figure 2*).

All grantees/contractors will be required to fill out an Environmental Mitigation Plan & Report (as attached) per project type that includes:

1. The Environmental Screening Form,
2. The Identification of Mitigation Plan, and
3. The Environmental Monitoring and Tracking Table.

Program managers/COTRs and Chiefs of Parties can work with the USAID Mission Environment Officer (MEO) to ensure impacts are sufficiently identified and mitigation actions are agreed upon, including clear guidance on the procedures for gender integration where fitting.

Figure 1: Timeline of Reporting Requirements for Environmental Mitigation

B. Timing of Reporting Requirements

During the acquisition process, the applicant or contractor submits a suggested/draft EMPR. Gender issues must be addressed in the Environmental Mitigation Plan in keeping with the Agency’s executive message on gender integration dated May 4, 2009. Once the Implementing Partner is chosen, a revised initial EMPR is submitted by the applicant or contractor to the COTR, Mission Environmental Officer, and Regional Environmental Officer for approval before commencing activities. For sub grants, the grantee is required to fill out the EMPR and submit it for approval to the Chief of Party (COP). The COP then submits the EMPR for review and final approval to the COTR and MEO.

A format for this initial EMPR can be seen in attachment 1; it includes:

1. An initial screening process using the “Environmental Screening Form” (Appendix 1, Table 1) to assure the project is at the Medium Risk Level followed by,
2. The identification of potential impacts and related mitigation measures using the “Identification of Mitigation Plan” (Appendix 1, Table 2) for each sub-activity.
3. The Environmental Monitoring and Tracking Table (Appendix 1 Table 3) that documents the necessary mitigation measures to be monitored, lists monitoring indicators, and includes who will conduct the monitoring when. Table 3 also includes a monitoring chart that documents who conducted the monitoring and the effectiveness of the mitigation measures.

At the end of each year of implementation, the EMPR is resubmitted with the same information as provided initially, plus a component reflecting the status of implementation and effectiveness monitoring, of the identified mitigation measures using the “Environmental Monitoring and Tracking Table” (Appendix 1, Table 3). This table will be used for project environmental monitoring and will be submitted to the USAID Contracting Officer’s Technical Representative (COTR), formerly known

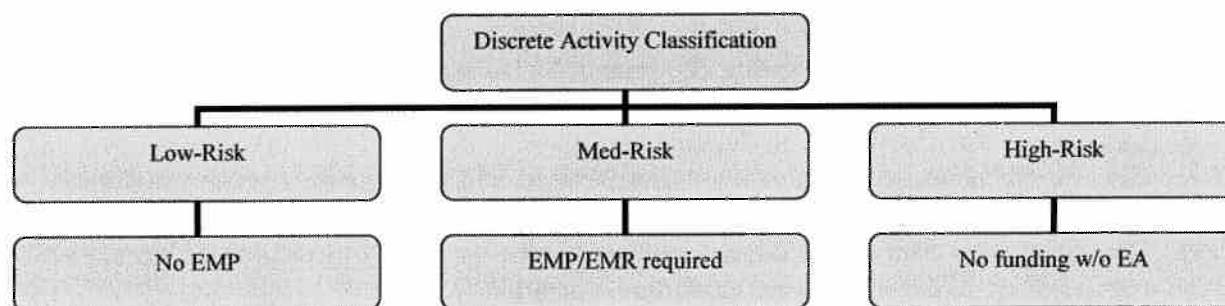
as CTO, on an annual basis along with the initial EMPR as well as a narrative providing details on the mitigation process. The report should not exceed ten pages (excluding annexes).

C. Initial Environmental Mitigation Report

1. Classification of Level of Risk

Components of a program or discrete activities under an award can have varying levels of risk for environmental damage and therefore require different courses of action (Figure 2). No-risk activities, classified under “i” below, do not require the EMPR as they are already addressed under a “categorical exclusion” determination in the original SO-level IEE and Environmental Threshold Decision at the Mission. High-risk activities (“ii”) will have significant environmental impacts that will require an Environmental Assessment (EA) contracted through the IP with MEO consultation to a professional Environmental Impact organization with final approval by the LAC Bureau Environmental Officer. Such activities are not to be avoided if they meet a crucial need of the community (e.g., solid waste disposal facility, municipal-scale waste water treatment plant). Medium-risk activities (“iii”) will require the IP to screen environmental impacts and plan for mitigation of adverse environmental impacts. It is to these medium-risk activities that this EMPR guidance primarily applies.

Figure 2: Schematic of required action based on the level of risk of a component or discrete activity under an award.



i. Discrete Activities that Do Not Require Mitigation Plans (No-Risk):

An illustrative list of no-risk discrete activities where no mitigation reporting is required includes:

- Education or training*, unless it implements or leads to implementation of actions that impacts the environment (such as construction of schools or use of pesticides),
- Community awareness initiatives,
- Controlled research/demonstration projects in a small area,
- Technical studies or assistance,
- Information transfers.

If there is a risk that the actual implementation of materials learned during training could adversely impact the environment (e.g., training on agricultural techniques), the training is expected to include as part of its curriculum, an analysis of environmental impacts and planning for mitigation.

ii. Discrete Activities that Cannot be Supported (High-Risk):

Under the environmental regulations of USAID, if there is a discrete activity which is considered critical to the needs of the community that may have a significant environmental impact, such activities will require an Environmental Assessment. In the case of pesticide use a Pesticide Evaluation Report and Safer Use Action Plan (PERSUAP) will need to be prepared by the partner and approved by the USAID Latin America and the Caribbean (LAC) Bureau Environmental Officer (BEO). Such activities include but are not limited to:

- Agricultural, livestock introduction or other activities that involve forest conversion,
- Resettlement of human populations,
- Large water management systems such as dams or impoundments,
- Drainage of wetlands,
- Introduction of exotic plants or animals,
- Permanent modification of the habitat supporting an endangered species,
- Industrial level plant production or processing (this does not include community or regional plant nurseries aimed at restoring areas after fires),
- Installation of aquaculture systems in sensitive lakes, marine waters (not land-based fish ponds),
- Procurement of timber harvesting equipment, including chainsaws,
- Use of pesticides (insecticides, herbicides, acaricides, fungicides),
- Large scale construction in un-degraded land,
- Large scale new construction involving permanent living quarters and/or sanitation facilities,
- Cutting of trees over 20 cm diameter breast height, especially tropical trees, except as needed to control disease or maintain forest health.
- Construction of new roads or upgrading/maintenance of extensive road, fire break or trail systems through un-degraded forest land or natural habitats.

iii. Discrete Activities that can be Supported if Mitigation Measures are Planned and Implemented (Medium-Risk):

Many discrete activities under an agreement will fall between the two extremes mentioned above and offer some adverse environmental impact that can be mitigated with proper planning. For these activities the Implementing Partner (IP) will be responsible for completing the EMPR on an annual basis.

2. Sector-Specific Environmental Screening Form

The Environmental Screening Form contains information relevant to the potential environmental impact over the life of activity to natural resource and communities, local planning permits, and

environment and health. If items in the Environmental Screening Form (Appendix 1, Table 1) from Column “A” are checked then items for monitoring and mitigation are to be specified in the “Identification of Mitigation Plan” (Appendix 1, Table 2). The Mitigation Plan simply outlines the plan of action for mitigation of planned activities. The Mission Environmental Officer is to approve these forms, with special attention to those projects with identified impacts (i.e., projects with any check marks in Column A).

For reference on mitigation information on a wide variety of discrete activities, refer to the “USAID LAC Environmental Guidelines”. Illustrative sector-specific guidelines include: WHO guidelines for handling and disposal of medical waste, “Low-Volume Roads Engineering: Best Management Practices Field Guide (Keller and Sherar, 2003)” and the World Wildlife Fund Agriculture and the Environment handbook.

C. Annual Environmental Mitigation Report

On an annual basis each implementing partner will submit an “Environmental Mitigation Report” using the attached EMPR Table 3 (Appendix 1). The EMPR contains information relevant to the potential environmental impact over the life of a discrete activity under an award and includes: A) a copy of the initial EMPR completed during the initial project planning (reference section B above); B) the prescribed mitigation measures using the “Identification of Mitigation Plan (Appendix 1, Table 2)”; and C) synthesized data on these mitigation measures collected throughout the year and tracked in the Environmental Monitoring and Evaluation Tracking Table (Appendix 1, Table 3). As it is often difficult to quantitatively measure progress of complex mitigation measures, it is necessary to include inserted digital photos (with relevant maps) to describe progress of mitigation activities.

USAID Mission requires that Implementing Partners clearly demonstrate competence in implementing discrete activities using best management practices which most often will provide the additional benefit of environmental protection. In addition, the mitigation activities should consider the critical importance of integrating gender considerations in all stages of planning, programming, implementation, and monitoring of USAID activities.

Sections of the EMPR include:

1. EMPR Coversheet
2. EMPR Narrative (to be filled out with project specific information)
3. Annexes:
 - a. Environmental Screening Form (Table 1),
 - b. Identification of Mitigation Plan (Table 2)
 - c. Environmental Monitoring and Evaluation Tracking Table (Table 3).
4. Photos, Maps, Level of Effort

Reference: February 8, 2007; L. Poitevien (USAID/Haiti), M. Donald (USAID/Dominican Republic), E. Clesceri (USAID/Washington). **Guidelines for Implementing Partners on the USAID Haiti Environmental Mitigation Report.**

GUIDELINES FOR IMPLEMENTING PARTNERS ON THE USAID LAC ENVIRONMENTAL MITIGATION PLAN & REPORT (EMPR)

Appendix 1:

I. COVERSHEET FOR ENVIRONMENTAL MITIGATION PLAN & REPORT (EMPR)

USAID MISSION SO # and Title: _____

Title of IP Activity: _____

IP Name: _____

Funding Period: FY_____ - FY_____

Resource Levels (US\$): _____

Report Prepared by: Name: _____ Date: _____

Date of Previous EMPR: _____ (if any)

Status of Fulfilling Mitigation Measures and Monitoring:

_____ Initial EMPR describing mitigation plan is attached (Yes or No).

_____ Annual EMPR describing status of mitigation measures is established and attached (Yes or No).

_____ Certain mitigation conditions could not be satisfied and remedial action has been provided within the EMPR (Yes or No).

USAID Mission Clearance of EMPR:

Contracting Officer's Technical Representative: _____ Date: _____

Mission Environmental Officer: _____ Date: _____
()

Regional Environmental Advisor: _____ Date: _____
()

II. Environmental Mitigation Plan & Report Narrative

Note: summary instructions are in italics and not to be included in the report, but rather should be filled out with project specific information)

Note: Outline to be included in the report is in bold.

1. Background, Rationale and Outputs/Results Expected:

Summarize and cross-reference proposal if this review is contained therein.

2. Activity Description:

Succinctly describe location, site details, surroundings (include a map, even a sketch map). Provide both quantitative and qualitative information about actions needed during construction, how intervention will operate and any ancillary development activities that are required to build or operate the primary activity (e.g., road to a facility, need to quarry or excavate borrow material, need to lay utility pipes to connect with energy, water source or disposal point or any other activity needed to accomplish the primary one but in a different location). If various alternatives have been considered and rejected because the proposed activity is considered more environmentally sound, explain these. Describe how gender considerations have been incorporated into the activity. How will gender relations affect the achievements of activity results? How will the activity results affect the relative status of men and women?

3. Environmental Baseline:

Describe affected environment, including essential baseline information available for all affected locations and sites, both primary and ancillary activities. Describe how the activity will involve men and women who directly affect the environment. Methodologies for data collection and analysis for gender-sensitive implementation and monitoring of activities are encouraged.

4. Evaluation of Environmental Impact Potential of Activities (Table 2):

As a component of the Identification of Mitigation Plan (Appendix 1, Table 2), describe impacts that could occur before implementation starts, during implementation, as well as any problems that might arise with restoring or reusing the site, if the facility or activity were completed or ceased to exist. Explain direct, indirect, induced and cumulative effects on various components of the environment (e.g., air, water, geology, soils, vegetation, wildlife, aquatic resources, historic, archaeological or other cultural resources, people and their

communities, land use, traffic, waste disposal, water supply, energy, etc.). Indicate positive impacts and how the natural resources base will be sustainably improved.

For example, any activity that increases human presence in an area, even temporarily, will increase noise, waste, and the potential for hunting, timbering, etc.

Evaluating the environmental impact potential of activities must include gender-sensitive indicators and sex-disaggregated data when the activities or their anticipated results involve or affect women and men differently; and if so, this difference should be an important factor in managing for sustainable activity impact.

5. Environmental Mitigation Actions (Tables 2 & 3):

For the Initial EMPR: List the mitigation measures in the “Identification of Mitigation Plan” (Table 2) and describe monitoring of these mitigation measures in the “Environmental Monitoring and Evaluation Tracking Table” (Table 3).

For the EMPR: Describe status of complying with the conditions. Examples of the types of questions an IP should answer to describe “status” follow.

- 1) What mitigation measures have been put in place? How is the success of mitigation measures being determined? If they are not working, why not? What adjustments need to be made?**
- 2) What is being monitored, how frequently and where, and what action is being taken (as needed) based on the results of the monitoring? In some situations, an IP will need to note that the monitoring program is still being developed with intent to satisfy the conditions. Alternatively, it could happen that the conditions cannot be achieved because of various impediments.**

6. GENDER

Integrating gender considerations into all stages of planning, programming, and implementation of development assistance is not only a priority for USAID, but also an essential part of effective and sustainable development. The Automated Directive System (ADS) 201 sets out specific requirements to help ensure that appropriate consideration is given to gender as a factor in development planning at the Assistance Objective and the Intermediate Results level of Assistance Objectives all the way down to the activity level. This programming policy includes clear guidance on the procedures for gender integration where determined to be appropriate. In this regard, gender issues must be addressed in procurement documents and evaluation criteria. Gender equality is a USG-wide priority, and USAID has and will continue to take a

lead role in that effort. For example, USAID/Environmental Protection Program monitors how men and women will be involved in the process of improving the Dominican Republic's Environmental impact assessment procedures. The Program is documenting gender **participation in all** of its activities. Whenever possible, gender based differences in roles, attitudes and concerns should also be documented.

III-A. Environmental Screening Form (Table 1)

Name of Activity: _____		Column A	Column B	Col C	
Type of Activity: _____		Yes	No	If answered yes to Col. A. is it a--?	
Grantee: _____				High Risk	Medium-Risk
Date: _____					
IMPACT ON NATURAL RESOURCES & COMMUNITIES					
1	Will the project involve construction ¹ of any type of structure (building, check dam, walls, etc)?				
2	Will the project involve the construction ² or repair of roads or trails?				
3	Will the project involve the use, involve plans to use or training in the use of any chemical compounds such as pesticides ³ (including neem), herbicides, paint, varnish, lead-based products, etc?				
4	Involve the construction of repair of irrigation systems?				
5	Involve the construction or repair of fish ponds?				
6	Involve the disposal of used engine oil?				
7	Will the project involve implementation of timber management ⁴ or extraction of forest products?				
8	Are there any potentially sensitive terrestrial or aquatic areas near the project site, including protected areas?				
9	Does the activity impact upon wildlife, forest resources, or wetlands?				
10	Will the activities proposed generate airborne gases, liquids, or solids (i.e. discharge pollutants)				
11	Will the waste generated during or after the project impact on neighboring surface or ground water?				
12	Will the activity result in clearing of forest cover?				
13	Will the activity contribute to erosion?				
14	Is the activity incompatible with existing land use in the vicinity?				
15	Will the activity contribute to displace housing?				
16	Will the activity affect unique geologic or physical features?				
17	Will the activity contribute to change in the amount of surface water in any body?				
18	Will the activity deal with mangroves and coral reefs?				
19	Will the activity expose people or property to flooding?				
20	Will the activity contribute substantial reduction in the amount of ground water otherwise available for public water supplies?				
21	Will the activity create objectionable odors?				
22	Will the activity violate air standard?				
ENVIRONMENT & HEALTH					
23	Will the project activities create conditions encouraging an increase of waterborne diseases or populations of disease carrying vectors?				
24	For road rehabilitation as well as water and sanitation grants, has a maintenance plan been submitted?				
25	Will the activity generate hazards or barriers for pedestrians, motorists or persons with disabilities?				
26	Will the activity increase existing noise levels?				
27	Will the project involve the disposal of syringes, gauzes, gloves and other biohazard medical waste?				
28	Is the activity incompatible with existing land use?				

LOCAL PLANNING PERMITS					
29	Does the activity e.g. infrastructure improvements, require local planning permission(s)?			N/A	N/A
30	Does the activity meet the national building code (e.g. infrastructure improvements)?			N/A	N/A
	GENDER				
31	Do men and women benefit or are involved in the project's activities?				
32	Does the project activity inhibit the equal involvement of men and women?				
33	Are there factors that prevent women's participation in the project?				

RECOMMENDED ACTION <i>(Check Appropriate Action):</i>		<i>(Check)</i>
(a)	The project has no potential for substantial adverse environmental effects. No further environmental review is required (Categorical Exclusion). No EMPR required.	
(b)	The project has potential for minimal to medium adverse environmental effects, but mitigable environmental effects. Measures to mitigate environmental effects will be incorporated (Negative Determination with Conditions). EMPR Required.	
(c)	The project has potentially substantial or significant adverse environmental effects, but requires more analysis to form a conclusion. An Environmental Assessment will be prepared (Positive Determination). No EMPR required.	
(d)	The project has potentially substantial adverse environmental effects, and revisions to the project design or location or the development of new alternatives is required (Deferral).	
(e)	The project has substantial and unmitigable adverse environmental effects. Mitigation is insufficient to eliminate these effects and alternatives are not feasible. The project is not recommended for funding.	

¹ Construction projects need to be reviewed for scale, planned use, building code needs and maintenance. Some small construction projects, such as building an entrance sign to a park, may require simple mitigations whereas larger buildings will require more extensive review and monitoring.

² New construction of roads and trails will require a full environmental assessment of the planned construction, i.e. a Positive Determination.

³ The planned involvement of pesticides will trigger the need to develop a Supplemental Initial Environmental Examination that meets USAID pesticide procedures (Pesticide Evaluation Report and Safer Use Action Plan or "PERSUAP") for the project.

⁴ Any activities the involve harvesting trees or converting forests will require a full environmental assessment of the activity (i.e. Positive Determination).

III-B. Identification of Mitigation Plan (Table 2)

→ Enter the Question/Row # of the potential negative impacts with check marks in Column A (Table 1) and complete table below for mitigation measures to reduce or eliminate the issue. In the Sub-Activity or Component Column, list the main actions to be implemented. Under each action, list the tasks (Steps) that are needed to implement this action.

#	Sub-activity or component	Description of Impact	Mitigation Measures
1	Component 1		
	Step 1		
	Step 2		
	Step 3		
2	Component 2		
	Step 1		
	Step 2		
	Step 3		

* provide overview of measures used from the USAID LAC Environmental Guidelines or other pertinent guidelines, details on exact monitoring plan are illustrated in Table 3, Environmental Monitoring and Evaluation Tracking Table.

III-C. Environmental Monitoring and Evaluation Tracking Table (Table 3).

Type of Project:	
Project Name:	
Implementing Organization:	
Location Name:	
Project Size:	
Nearby Communities:	
Senior Project Manager:	Date:
Monitoring Period:	

#	Description of Mitigation Measure	Responsible Party	Monitoring Methods			Estimated Cost	Results		
			Indicators	Methods	Frequency		Dates Monitored	Problems Encountered	Mitigation Effectiveness
1							1		
							2		
							3		
							4		
2							1		
							2		
							3		
							4		
3							1		
							2		
							3		
							4		
4							1		
							2		
							3		

Annex 2 Small-Scale Construction Mitigation Measures and Conditions

Rehabilitation and Small Scale Construction of Tribunal or other Public Facilities: Mitigating Measures and Conditions

Mitigating Measures & Conditions:

Avoid proximity to health hazards: If possible, the rehabilitated tribunal and other public facilities sites should be a minimum of 100m away from rubbish dumps, abattoirs, markets, transport yards, and other facilities/land uses with a high concentration of pathogens and disease vectors. *A separation of less than 100m may be acceptable, depending on the situation—and is almost always better than no separation at all.*

Avoid road noise and dust: If possible, the site should *not* be located along a primary road, due to both noise and dust nuisance

- If the tribunal or public facilities grounds are adjacent to a well-travelled road: If at all possible locate the structures behind the observed “settling zone” for road dust.
- Minimize road noise in tribunals and other public buildings by maximizing set-back from the road and/or minimizing road-way facing windows (though without compromising ventilation needs).
- If the design features a perimeter wall, build this higher along the roadway. Alternatively, plant a buffer strip of trees suitable to help block dust and sound (though it will be several years before such a barrier is effective.)

Assure adequate site dimensions: The site should be large enough to accommodate planned structures, water supply, and sanitation facilities *at appropriate separations*:

Flood risk below the local baseline: Ideally, tribunal and other public buildings should be located out of flood zones, but the reality is that this is often not possible—whole communities and districts often lie in flood zones, and must be serviced by public facilities. It is important, however, to assure that the tribunal sites are not *more* flood prone than the community it serves—and ideally is somewhat less vulnerable. In times of flood, public buildings often serve as shelters and relief staging areas, and siting should facilitate this function.

Appropriate Earthquake resistance *Any* construction or rehabilitation of public facilities under this program must consult a qualified architect/structural engineer to assure that the design is appropriately earthquake-resistant given the specifics of the site. In general, earthquake resistance means adding reinforcement to walls and foundations so that the structure can withstand side-to-side forces, not just vertical weight. Normally, reinforced plinth beams surrounding the floor area along with reinforced pillars and tie beams at roof level will considerably reduce damage to the structure and habitants. The Haitian Authorities are working on quake/hurricane resistant construction guidelines. Once these guidelines have been officially authorized, USAID/Haiti Implementing Partners shall follow them, along with the following guidelines as a matter of Best Management Practices for construction:

Appropriate wind resistance: Ascertain the strongest winds remembered in the local community (will correspond to a “50 year storm”⁵) and the damage done to typical structures at that time. Examine local roofing techniques and inquire about storm frequency and typical damages. Note that if deforestation is occurring in the area, future wind strength on the ground will tend to increase in future. Assure that the design—roof, walls, and drainage—is resistant to the “50-year storm;” consult a qualified architect/structural engineer if in doubt. At a minimum, roofing always should be thoroughly tied down to the roof frame, and the roof frame to the structure

Appropriate thermal performance: Consider the design options for enhanced ventilation and thermal performance. Designing for comfort in the local climate is essential; an uncomfortable public building provides a poor environment. Modern structures can provide increased durability and safety, and are often perceived as embodying progress and development. But the reality is that many are far less *comfortable* than structures built in more traditional styles and using local materials.

- “Build up and out.” High ceilings (3.25 m or higher) and long eaves covering a front-and-back veranda significantly increase comfort in hot climates. Larger roof areas do increase costs, but long eaves/verandas can also save money by sheltering walls from rain and thus (1) permitting the use of mud bricks, landcrete rammed earth, and similar materials; and (2) eliminating the need for glass louvers in windows/permitting half-wall construction
- Half wall construction (diagram below) is a frequently used, effective design for rural public buildings in tropical climates. Pillars bear the weight of the roof, with side walls rising only to a height of ~1.1m between the pillars. The design requires extended eaves for storm protection.
- Build thick. Concrete is expensive and has poor thermal performance. Structures of rammed earth, mud brick, adobe, landcrete, stone, and rubble all keep interior spaces cooler than cement-block construction. Extended eaves add to comfort and are the best way to protect walls made of these materials.
- Latticework Brick latticework/ openwork concrete blocks are widely used in many parts of Haiti. They can easily be incorporated into walls for light and ventilation. If the design includes a ceiling, a strip of latticework or openwork blocks just below ceiling level will vent hot air that will otherwise be trapped in the room.
- Ventilate the under-roof space. Cross-ventilating the under-roof space is critical to maintain comfort. If using *gable walls* (end walls that rise up to the point of the roof consider installing openwork concrete louver blocks near the point of the roof *on both ends of the building* to permit airflow without water entry. In designs with ceilings, screen louver blocks on the inside and back the screen with sturdy 1cm wire mesh to prevent insects, birds, bats and other animals from nesting in the above-ceiling space.

⁵ A 50 years storm is the strongest wind remembered in the local community

- Combine local knowledge and professional design. The combination of a knowledgeable architect and consultative design approaches can result in affordable solutions that simultaneously deliver comfort, durability, local maintainability and community acceptance.

Additional guidance for Public Building Rehabilitation and Small Scale Construction:

- a) If any of the sites is currently occupied or used by local residents, find alternative location. If not possible, provide equivalent land, accommodations, or fair monetary compensation, provided these are accepted voluntarily and without coercion.
- b) In the extent that dwellings are located close by, concentrate noisiest work and take measures to keep dust to a minimum. If water is abundant, wet the ground and leave the natural cover intact as long as possible.
- c) In the extent that the site is prone to flooding, provision should be made to design area so that hazardous materials are above the ground or in waterproof containers with locking lids that are kept closed, and ensure that facility operators follow these practices.
- d) If the facility will include a water supply development or improvement, determine safe yield and establish system for regulating use. Test seasonal water quality and examine historical water quality data.
- e) Avoid any site, which is close to wetland or next to stream, river, or well. Provisions should be made to include elements such as hand washing facilities, a waste storage room. Do not site pit where water table is high or underlying geology makes groundwater contamination likely. If no alternative site is available, ensure that pit is lined with impermeable material such as clay or polyethylene.
- f) Provide for safe disposal of gray water from toilet and other tribunal parts. Ensure that human waste disposal minimizes health risks and that water is provided to the facility in a way that minimizes risk of contamination for public servants, tribunal users and nearby communities.
- g) Construction crew shall be provided with temporary sanitation on site, use as much as possible local labor.
- h) With regard to the source of building materials, identify the most environmentally sound source of materials that is within budget. Develop logging, quarrying, and borrowing plans that take into account cumulative effects. Monitor adherence to plans and impacts of extraction practices; modify as necessary. Fill quarries or pits before abandoning and control runoff into pits.
- i) Paint from all paint cans that are opened must be used. So, if there is leftover paint after a targeted activity is completed, an additional coat of paint should be applied or an additional space should be painted.
- j) All refuse from these activities should be disposed of in an environmentally acceptable manner, avoiding areas around streams and rivers.

- k) Any rehabilitation work done on justice system facilities will necessarily include review and any necessary upgrade (quality or capacity) of water and sanitation facilities that meet basic environmental standards

Mitigating Measures and Best Management Practices against Sick Building Syndrome: the “Green Building” Concept

Constructing and operating buildings requires energy, water, and materials and creates significant amounts of waste. Where and how they are built affects the ecosystems around us in countless ways. And the buildings themselves create new indoor environments that present new environmental problems and challenges.

As the environmental impact of buildings becomes more apparent, a new field called **green building** is arising to reduce that impact at the source. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. This section of the compliance center will provide links to green building activities and related documents covering various topics, such as:

- **Energy:** Designing and operating buildings to use energy efficiently and to use renewable sources of energy, including solar, wind, and biomass.
- **Water:** Designing and operating buildings to use water efficiently.
- **Materials:** Using building materials that, in comparison to competing brands, have a reduced effect on the environment throughout their life cycle (e.g. recycled content, low toxicity, energy efficiency, biodegradability, and/or durability).
- **Waste:** Reducing the waste from construction, remodeling, and demolition.
- **Indoor Environment:** Designing and operating buildings that are healthy for their occupants. Killing mold, bacteria, and viruses is one of the most logical solutions for helping to control sick building syndrome. High levels of ozone known as High Ozone Shock Treatments blasted into unoccupied rooms have been proven by science in helping sterilize rooms of bacteria and mold.

When many people working in the same building experience health problems that seem to only be present or are worse when they are in that building, then it is reasonable to suspect sick building syndrome. Users of public facilities should report the situation to the office manager or whomever is responsible for the building and ask for an inspection. After a thorough environmental health inspection is carried out on a building to determine possible causes for the occupants' health complaints, there are many measures that can be taken to rectify the situation.

Portable air conditioners offer more than just cool air; they condition the air, filtering out contaminants as the air circulates through the system.

